

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 19236 of 1998**

Between:

N.Manaian , S/o. Nachimuthu,  
R/o. Odanilali Village Kasturiba Gram, PeriyarDistrict, Tamilnadu

**..... PETITIONER**

AND

- 1 The Inspector General of police,  
Central Reserve police Force, Banjara Hills, Hyderabad.
- 2 The Deputy Inspector General of police,  
Central Reserve Police Force, Group Centre, Ranga Reddy

District, Hyderabad.

- 3 The Commandant, 90 Bn,  
Srinagar,C/o. 56 APO.Jammu & Kashmir

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction in the nature of Writ, declaring the ex-parte order of the 3rd respondent in Nop.P.VIII-6/96-90-EC.II dt. 30.4.1996 imposing the punishment of dismissal from service as arbitrary, illegal, irregular and as made in Violation of the principles of natural justice and in violation of Art.311 of the Constitution of India and as being grossly disproportionate to the Charged held against the petitioner and to set-aside the same and to direct the respondents to reinstate the petitioner in to service with all consequential benefits of back wages, continuity of service etc.

**Counsel for the Petitioner: MR.J.V.PRASAD**

**Counsel for the Respondents: GP FOR HOME**

**The Court made the following:**

## ORDER:

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Admittedly, in this case, an effective and alternative remedy by way of an appeal before the appellate authority is available to the petitioner for questioning the impugned order. But, the petitioner, without availing the said remedy, approached this Court directly complaining that the order of dismissal from service was passed without following the principles of natural justice and contrary to the Rules applicable to the Central Reserve Police Force. No doubt, this is a case where an *ex parte* enquiry was conducted, since there was no response from the petitioner to the charge sheet and other letters sent to him for the purpose of conducting the enquiry. The learned Government Pleader for Home appearing for the respondents asserted that the letters and charge sheet sent to the petitioner were either not served or returned unserved. In this view of the matter, nothing prevents the petitioner from raising all these questions before the appellate authority while filing the appeal.

In view of the same, the writ petition is disposed of directing the petitioner to approach the appellate authority and file a regular appeal before it within a period of four weeks from the date of receipt of a copy of this order and on such appeal being filed by the petitioner, the appellate authority shall entertain the same and dispose of the matter on merits within a period of three months thereafter. No order as to costs.

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(C.V.RAMULU, J)

13.07.2005

DR

To

- 1 The Inspector General of police,  
Central Reserve police Force, Banjara Hills, Hyderabad.
- 2 The Deputy Inspector General of police,  
Central Reserve Police Force, Group Centre, Ranga Reddy

District, Hyderabad.

- 3 The Commandant, 90 Bn,  
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4 2 CCs to GP for Home, High Court Buildings,

Hyderabad. (OUT)

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